

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

UNITED STATES OF AMERICA

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CRIMINAL NO: 09-149

v.

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SECTION: "K"

JACKIE RAY MOORE

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FACTUAL BASIS

If this case was to proceed to trial the Government would present credible testimony and reliable evidence to prove the following facts beyond a reasonable doubt:

On March 31, 2009 at approximately 10:40 pm, NOPD officers David Barnes and Edwin Cooper were on pro-active patrol in a fully marked police unit in the First District. The officers were assigned to this area due to an increase in violent crimes, particularly shootings and homicide.

As the officers drove south bound into the 1700 block of Bayou Road, they observed a silver Jeep SUV parked on the right side of the road with the engine still running and no visible license plate. Observing the violation and suspecting the vehicle to be stolen, the officers exited their vehicle to investigate. Officer Barnes pulled the police vehicle behind the Jeep and turned on the

unit's overhead lights. Also, as he exited the unit, Officer Barnes illuminated the interior compartment of the suspect vehicle with the police unit's spotlight.

As Officer Cooper exited the passenger side of the police unit and approached the driver's side of the SUV, Officer Barnes exited the driver's side of the unit and approached the passenger side of the SUV. Officer Barnes noticed the driver, later identified as Jackie R. MOORE, nervously shift his weight and lean against the driver door of the vehicle. Noting MOORE's nervousness and that he was the sole occupant, Officer Cooper relocated to the driver's side of the vehicle and asked MOORE for his driver's license, registration, and proof of insurance. MOORE was unable to provide any of the requested documentation, though he claimed he did have a valid LA driver's license, and stated that his name was "James Moore". Further, MOORE was unable to provide officers with any form of identification whatsoever.

An NOPD Motions check revealed that there was no LA driver's license issued to a "James Moore" with the d.o.b. provided. MOORE could also not remember his social security number. As Officer Cooper returned to the police unit to try to gain MOORE's identity, Officer Barnes observed MOORE turn his body towards the center console in an apparent attempt to grab an object that was concealed within. Due to MOORE's nervous movements, the officers' inability to verify MOORE's identity, and the possibility of his possessing a weapon or contraband being in the vehicle, Officer Barnes asked MOORE to exit his car. Officer Barnes asked MOORE to turn and place his hands on the vehicle. MOORE hesitated. When Officer Cooper informed MOORE he was being detained pending verification of his driving status and ownership of the vehicle, MOORE immediately pushed off of the vehicle and began to flee northbound on Bayou Road towards North Derbigny St. Officer Barnes gave chase and was eventually able to apprehend MOORE without further incident in the 1400 block of North Roman St.

MOORE then provided officers with his real name and, as such, they learned he had two outstanding warrants in Jefferson Parish and one outstanding warrant out of Gretna for driving with a suspended driver's license. Officer Cooper advised MOORE he was under arrest for the outstanding warrants as well as various vehicle violations. Officer Cooper then conducted a search of MOORE's person incidental to arrest and discovered \$701.00 in U.S. currency in his left front pants pocket. The money was wrinkled, folded into a stack, and separated into denominations of twenties, tens, fives, and ones.

Officers then relocated back to the 1700 block of Bayou Road where the vehicle was located and the incident began. Officer Barnes conducted a search of the vehicle and upon opening the unlocked center console he observed a clear plastic bag containing 24 pieces of an off-white rock like substance which appeared to be crack cocaine, each individually wrapped in a clear plastic wrapper. Officer Barnes also located a loaded .38 caliber Derringer bearing serial number L36757. This handgun was found to be imported from Hialeah, Florida and, as such, had to travel through interstate commerce to be found in Louisiana. A check of the vehicle's VIN # revealed that it was owned by a friend of MOORE's named "Cari G. Slothower". Officers contacted Mr. Slothower and he arrived on the scene to take custody of the vehicle. Prior to Mr. Slothower's arrival, MOORE informed officers that he was the sole person in possession of the contraband found in the vehicle and that Mr. Slothower was never aware of the illegal contents in the vehicle.

A field test of the substances in question was conducted by Officer Cooper at the First District Police Station. The off-white rock like substance tested positive for the presence of crack cocaine. Later, NOPD Crime Lab tests revealed that there was a total 11.5 net grams of crack cocaine present.

While at the station, MOORE informed officers that he had purchased the firearm in order to protect himself during street level narcotic transactions. In addition, MOORE gave a statement to S/A Thomas Moffett where he admitted that he sells crack cocaine regularly.

It was also learned that MOORE pled guilty to Possession of Cocaine on November 8, 2000 in the Criminal District Court For The Parish of Orleans under case number 417-003 "K" thus precluding him from legally possessing a firearm.

At trial, the Government would introduce the 11.5 net grams of crack cocaine, the \$701.00 in U.S. currency, the .38 caliber Derringer bearing serial number L36757, certified copy of the defendant's prior felony conviction, the defendant's post-arrest statements, as well as the testimony of investigating agents and officers.

FREDERICK W. VETERS, JR.
Assistant United States Attorney

DATE

RUDY GORRELL
Attorney for Defendant

DATE

JACKIE RAY MOORE
Defendant

DATE